

ENTERED

August 30, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHNNY LEE DAVIS,

Plaintiff,

VS.

ISAAC K. KWARTENG, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00076

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO RETAIN CASE AND DISMISS CERTAIN CLAIMS**

On July 29, 2022, United States Magistrate Judge Julie K. Hampton issued her “Memorandum and Recommendation to Retain Case and Dismiss Certain Claims” (M&R, D.E. 12). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.


When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 12), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. For purposes of §§ 1915A and 1915(e)(2), the Court **RETAINS**

Plaintiff's Eighth Amendment deliberate indifference claims against Dr. Isaac K. Kwarteng, Physician Assistant Erick Echavarry, Dr. Lanette Linthicum, the Facility Quality Management Team's (FQMT) Chairperson, and the Correctional Managed Health Care Committee's (CMHCC) Chairperson in their individual capacities for monetary relief.

Plaintiff's claims for money damages against the individual Defendants in their official capacities are **DISMISSED** without prejudice as barred by the Eleventh Amendment. Plaintiff's claims against John Doe and Jane Doe are **DISMISSED** without prejudice. And Plaintiff's claims against the FQMT and the CMHCC are **DISMISSED** with prejudice as these are entities not capable of being sued.

ORDERED on August 29, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE